

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARTIN J. SYKES,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-CV-191 RLW
)	
DANA JOST, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After carefully reviewing the complaint, the Court finds no allegations that show plaintiff is in imminent danger of serious physical injury.² As a result, the Court will deny the motion and dismiss this action without prejudice to refiling as a fully-paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #3] is **DENIED**.

¹ See *Sykes v. Department of Mental Health*, 92-4385-CV-C-SOW (W.D.MO. 1992); *Sykes v. Brown*, 94-3243-CV-S-RGC (W.D. MO. 1994); *Sykes v. Miller*, 94-4352-CV-C-SOW (W.D.MO. 1994); *Sykes v. Dankelson*, 00-5003-CV-SW-5-P (W.D.MO. 2000); *Sykes v. Boone County Adult Detention Center*, 10-4074-CV-C-NKL-P (W.D.MO. 2010).

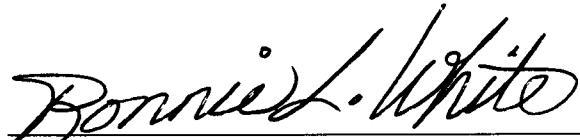
² Plaintiff's instant claim is regarding his request for medical shoes. He claims he has "hardware" in his left foot which qualifies him for medical shoes. However, he has attached medical exhibits to his complaint, which the Court takes judicial notice of under Fed.R.Civ.P.10(c), that indicate that X-rays were taken of his left foot and there was no "hardware" noted on the film. Moreover, the exhibits indicate that he has been repeatedly examined by medical providers for hip, knee, and foot pain and there was no indication that he needed medical shoes at this time.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. *See* 28 U.S.C § 1915(g).

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #2] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that an appeal of this Order would not be taken in good faith.

Dated this 6th day of February, 2020.

A handwritten signature in black ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE